

Milford Police Department

General Orders



Electronic Defense Weapons (EDW)

1. Purpose and Scope

- A. To establish Department policy governing the use of Electronic Defense Weapons (EDW) by sworn members of the Milford Police Department and to ensure compliance with applicable State statute(s) and regulations adopted by the Police Officer Standards and Training Council.
- B. This Policy is intended to provide guidance for proper deployment and use of an EDW by a police officer in the field. This Policy is implemented via a Lesson Plan and related Instructor's Addendum compiled in conjunction with this policy as part of a Connecticut EDW Model Policy and Training Module.

2. Discussion

- A. This policy deals with the use of the EDW. Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.
- B. Officers are specifically granted the legal authority to carry weapons under C.G.S. 53-206 "while engaged in the pursuit of such officer's official duties."
- C. The reasonableness of a use of force under this policy will be measured by standards established by the Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989). The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation, and not by the "20/20 vision of hindsight." The calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Factors relevant to the determination of reasonableness include the severity of the crime that the officer believed the suspect to have committed or be committing, whether the suspect presented an immediate threat to the safety of officers or the public, and whether the suspect actively resisted arrest or attempted to escape, along with any other fact or circumstance which reasonably bears upon the decision to use force.

3. Definition

A. **CONDUCTED ELECTRICAL WEAPON:** (Also referred to as an 'Electronic Defense Weapon', or 'EDW.')

The EDW is a less than lethal weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses.

B. **PHYSICAL FORCE:** Per CGS 53a-22, police officers are justified in using physical force when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

C. **LESS-THAN-LETHAL FORCE:** A use of force which is not likely to cause death or serious physical injury.

D. **ACTIVE RESISTANCE:** Any physical act, or failure to act, undertaken by a subject, against an officer, that could reasonably interfere with or defeat a lawful attempt by the officer to gain physical control of the subject.

E. **PASSIVE RESISTANCE:** The mere failure or refusal to cooperate with the lawful directions of a police officer by one or more unarmed, non-violent persons, such as in the case of an act of civil disobedience or a non-violent handcuffed prisoner.

F. **DEPLOYMENT:** Does not include the mere removal of the EDW from the holster, but does include any use of an EDW against any person, including the illumination of the laser sight onto an individual.

4. Safety Regulations

A. Only properly functioning EDWs will be used. A designated sergeant will conduct a monthly inspection of each EDW and inventory the cartridges that accompany the EDW and/or carried by the Officers.

B. Officers having EDWs assigned to them will conduct a visual check of the EDW at the beginning of each shift, to include a spark test of the device, when practical. The EDW shall be signed out at the beginning of the Officer's shift and returned and signed back in at the end of the shift. Any damage or problem found will be brought to the attention of the Shift Commander.

C. The Milford Police Department will authorize the use of the EDW only by those officers who have completed the Department's EDW Training Program.

D. Officers authorized to carry the EDW shall complete in-service retraining on its use on an annual basis.

5. Policy:

A. It shall be the policy of the Milford Police Department that all officers will only use the level of force necessary to accomplish lawful objectives.

B. It shall be the policy of the Milford Police Department that when a subject is injured through any deployment of an EDW, the officer shall offer the injured party medical assistance. In the case of obvious physical injury or when otherwise prudent, the officer shall request medical dispatch.

C. It shall be the policy of the Milford Police Department that following any deployment of an EDW, an incident report will be completed by the officer deploying the EDW and a Use of Force report will be filed by the Supervisor to accommodate EDW deployment tracking. Reports must be completed in their entirety and specifically describe the justification for the use of force, including events and communications leading up to the physical confrontation, the subject's behavior, the environment in which the incident took place, and any injuries sustained by anyone during the event.

D. It shall be the policy of the Milford Police Department that all written reports generated regarding the deployment of an EDW are promptly reviewed by a supervisor to determine that the deployment of the EDW was appropriate. Should a determination be made by the supervisor that the deployment of the EDW was questionable, or inappropriate, the matter shall be immediately referred for further review in a manner consistent with Department Policy. The supervisor's findings regarding the deployment of the EDW shall be documented in the Use of Force Report.

1. If an Officer illuminates or otherwise displays the arch beam upon a subject, it shall be considered a use of force and shall be documented in the Officer's report and supervisor's Use of Force Report.

E. It shall be the policy of the Milford Police Department that all sworn personnel have access to the Departmental EDW policy and receive training as to its content prior to obtaining authorization to carry an EDW. EDW's may only be deployed by sworn personnel who have satisfactorily completed this agency's approved training.

F. It shall be the policy of the Milford Police Department to complete the POSTC EDW/EDW Annual Report Form (see attached) as required by statute. Said Report Form is to be submitted to the State of Connecticut Criminal Justice Policy and Planning Division within the Office of Policy and Management no later than January 15th covering the preceding calendar year. The report is required for any department having deployed a EDW against any individual within the calendar year; any department authorizing the deployment of a EDW but not having any deployments within that calendar year; and, finally, by any department not authorizing the deployment of the EDW.

G. It shall be the policy of the Milford Police Department to conduct a review of all EDW deployments in the field in order to evaluate policy compliance.

6. Wearing of the EDW:

A. The device shall be carried in an approved holster on the side of the body opposite the service handgun if it is to be worn in a waist holster or a thigh holster. Officers not assigned to uniformed patrol may be authorized to utilize other Department-approved holsters and carry the device consistent with Department training and the requirement as set out in this paragraph.

B. The device shall be carried in accordance with manufacturer's recommendations and Department training. The EDW shall be pointed in a safe direction during loading, unloading, or when handled in other than an operational deployment.

7. Deployment of the EDW:

A. As soon as reasonably possible, a supervisor should be requested to respond to the scene of a potential or completed EDW deployment.

B. As in all uses of force, certain individuals may be more susceptible to injury. Officers should be aware of the greater potential for injury when deploying a EDW against persons in an elevated risk population. (Small stature, age, believe are pregnant, equipped with a pacemaker, the infirm, or those in obvious ill health).

C. Dealing with Mentally Ill or Emotionally Unstable Individuals: Officers should make a greater effort to control the situation through less intrusive means. When a person is neither a threat to himself or anyone else- the government's interest in deploying force to detain the subject is not as substantial as its interest in deploying force to apprehend a dangerous criminal.

D. Upon discharging the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.

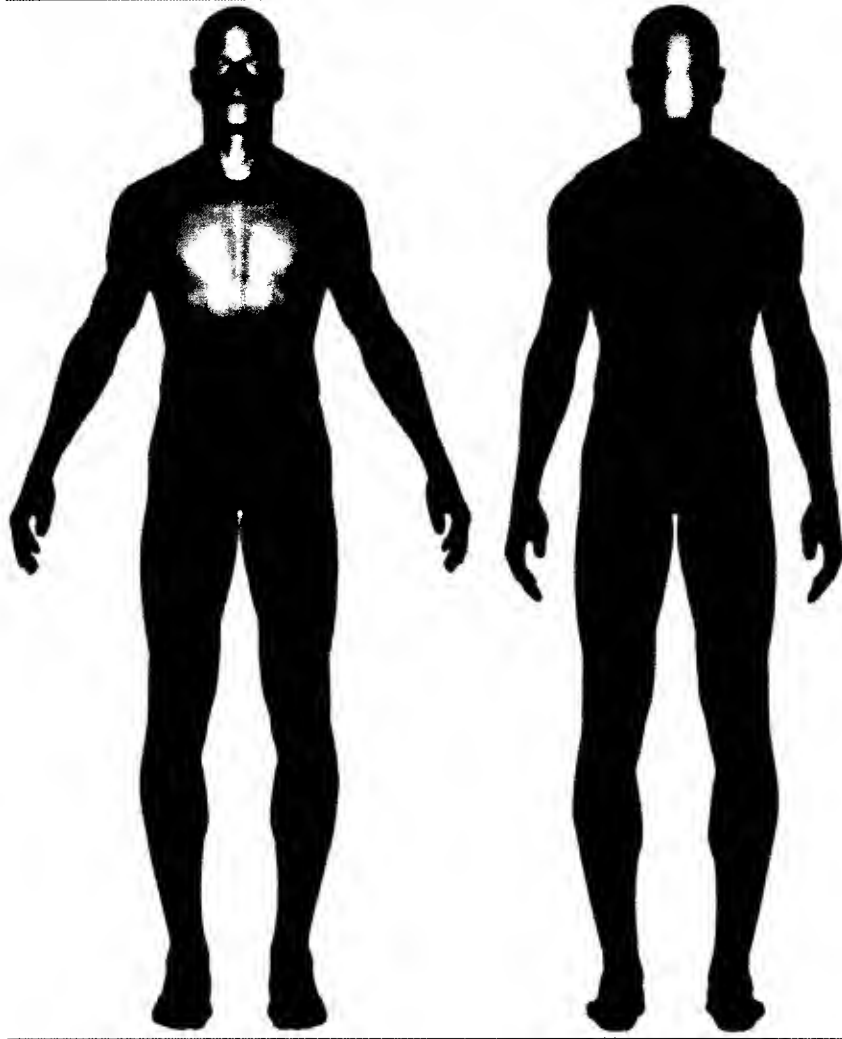
E. The subject should be secured as soon as practical while disabled by the EDW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the EDW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the EDW should be independently justifiable. Officers should only deploy the EDW to the extent necessary to gain control of the subject.

F. Whenever possible, prior to an EDW deployment, a loud, clear warning of an EDW deployment should be made. When aiming the EDW at a subject, officers should adhere to the manufacturer's preferred target zones whenever reasonably possible. Officers should take into consideration the capabilities and limitations of the EDW whenever employing it at close quarters.

G. An EDW should be aimed by use of the aiming laser(s) when possible. Fixed sights shall be used when the laser sight(s) are ineffective or as a secondary aiming tool.

H. The recommended point of aim from center of mass to lower-center of mass for front shots. The blue highlighted area below in the adjacent target man represents the preferred target area. Avoid chest shots when possible and the risk of a head/eye shot in a dynamic situation, as is standard for impact munitions. Close-spread EDW discharges to the front of the body are more effective when at least one (1) probe is in the major muscles of the pelvic triangle or thigh region. The back remains the preferred target zone.

Target Zones are highlighted in blue.



I. The device may also be deployed in certain circumstances in a "drive stun" mode. Deployment of the EDW in drive stun mode, from a policy perspective, is no different than a cartridge deployment. It is important to note that when the device is deployed in this manner, it is primarily a pain compliance tool; is minimally effective compared to a conventional cartridge deployment; and is more likely to leave marks on the subject's skin.

J. After a subject/arrestee has been hit by the EDW, regardless of the numbers of times, the officer will interview the arrestee to ascertain whether he/she does or does not need medical attention. The Headquarters Sergeant will ensure the subject is kept under observation while in custody. In the

unlikely event the subject has any adverse reaction to the use of the EDW medical attention will be provided immediately.

K. When possible, depending on the location on the body and the behavior of the subject, photographs of the impact sites (probe and/or drive stun) should be taken.

L. The EDW should not be deployed:

1. In a punitive or coercive manner;
2. When confronting non-violent resistance, that does not represent a threat to police officers or others;
3. On any subject demonstrating only passive resistance;
4. Do not use pain compliance or "Drive Stun Mode" when circumstances dictate that pain is reasonably foreseeable to be ineffective(Example: Persons who are under the influence of alcohol or drugs or person who appear to be or are known to be mentally ill
5. Do not resort to EDW without first attempting to use negotiation, command or active resistance skills;
6. In any environment where an officer knows that a potentially flammable, volatile, or explosive material is present (including but not limited to OC spray with volatile propellant, gasoline, natural gas, or propane);
7. Where it is likely that the subject may drown or fall from an elevated area;
8. Upon the operator of a motor vehicle while the vehicle is in motion unless exigent circumstances exist and the Officer reasonably believes that the deployment of the EDW will not create further risk of danger to the public or the Officer(s);
9. To remove a prisoner from a cell unless the prisoner poses an immediate threat to the Officer(s).

8. Medical Attention:

A. Any subject against whom an EDW is deployed shall be evaluated by qualified medical personnel. Qualified medical personnel include medical professionals including medical doctors, licensed nurses, EMS first responders, or police officers certified in the deployment of an EDW and currently certified at no less than the Emergency Medical Responder (EMR) level (formerly known as Medical Response Technician (MRT)). The Department must also be cognizant of any medical regulations or guidelines regarding EDWs asserted by any medical authority having jurisdiction over the agency in whose jurisdiction the EDW is deployed.

1. Refusal of medical attention shall be documented in the officers' report annotating whether or not medical personnel obtained a signed Medical Refusal Form.

B. Police officers shall not remove probes which have implanted anywhere on a subject's body unless authorized to do so by competent medical authority or the officer has been certified to do so by a POSTC certified instructor.

C. The recovered probes will be handled as sharps in accordance with the Department's Exposure Control Plan and tagged as evidence along with the expended cartridge.

D. The following persons shall be transported to a hospital for a medical examination following exposure to an EDW. Any person who:

1. Loses consciousness, exhibits irregular breathing or is known to be under the influence of drugs or medications;
2. Is hit in a sensitive area (e.g., face, head, female breasts, male groin);
3. Does not appear to recover properly after being energized;
4. Has been energized more than three times or has been subjected to a continuous energy cycle of 15 seconds or more;
5. Has had more than one EDW effectively used against him or her in any given incident;
6. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to EDW deployment;
7. Is in a potentially susceptible population category, including persons of small stature irrespective of age, the infirm, or those who the officer has reason to believe are pregnant, equipped with a pacemaker, or in obvious ill health;
8. Exhibits bizarre or violent behavior, including self-mutilation;
9. Is naked in a public place or exhibits signs of overheating;
10. Evidences slurring or slowness of speech;
11. Subject claims to have been injured or in medical distress.